

Public Report

May 11, 2023:
Officer-Involved
Shooting
IPA-23-08



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Independent Police Auditor

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NOTE TO THE READER: The Fairfax County Police Department most recently revised its comprehensive policy addressing the use of force on April 29, 2024. The actions of the officers involved in this incident will be analyzed using the policy provisions that were in effect on May 11, 2023 (i.e., General Order 540, effective August 12, 2022).

INCIDENT

On May 11, 2023, at approximately 4:06 p.m., an individual (hereinafter identified by his initials, “B.L.”) drove a U-Haul truck past a license plate reader on Quander Road in the Alexandria section of Fairfax County. The license plate reader alerted Fairfax County Police Department (hereinafter “FCPD”) officers that the U-Haul truck was stolen. Shortly thereafter, FCPD Police Officer First Class #1 (hereinafter “PFC#1”) located the truck and followed it into a Citgo gas station in the 6300 block of Richmond Highway. B.L. got out of the truck and approached the gas station kiosk. PFC#1 got out of his police cruiser to approach and speak to B.L. After B.L. walked with PFC#1 to his police cruiser, PFC#1 advised him that he was being detained¹ because the truck had been reported stolen.² PFC#1 put his hand on B.L.’s arm and began to remove his handcuffs from his belt. He also requested over his police radio that other officers respond to his location.³

At this point, B.L. reached for PFC#1’s gun, and tried to pull it out of the officer’s holster.⁴ PFC#1 reported a “Signal One”⁵ over his police radio advising that B.L. was trying to get his gun. While maintaining a grip on the holstered gun and struggling to remove it from the holster, B.L. struck PFC#1 in the head. PFC#1 told B.L. that he was “not going to jail right now,” but B.L. responded, “Naw, your gun’s taken.”⁶

B.L. pinned PFC#1 against the police car, opened the front driver’s door, and pushed PFC#1 into the cruiser. PFC#1 repeatedly ordered B.L. to stop trying to take his gun. He also

¹ Terry v. Ohio, 392 U.S. 1 (1968).

² The National Crime Information Center (“NCIC”) entry listed the rental vehicle as a “Stolen Vehicle,” but also included the entry “Unauthorized Use of a Vehicle.”

³ The chaotic events that ensued can be viewed from the officers’ body-worn camera footage here:

[FCPD OIS: 5.11.23 Full BWC Release Video.](#)

⁴ PFC#1 had a holster that required two separate steps to unholster his weapon, which ultimately prevented B.L. from getting the gun out of the holster. B.L. successfully performed the first step, but not the second.

⁵ Meaning an officer is in danger and needs immediate backup.

⁶ Fairfax County Commonwealth of Virginia “[REPORT ON MAY 11, 2023, OFFICER INVOLVED SHOOTING](#),” provided to FCPD Chief Kevin Davis on November 22, 2024.

repeated his distress call over the police radio and again advised that B.L. was trying to access his weapon. The dispatcher responded by saying, “he’s got your gun.”⁷

The police cruiser’s engine had been left running, and during the ongoing struggle the car was shifted into reverse. B.L. was now on top of PFC#1 and he either intentionally or inadvertently hit the gas pedal, causing the car to go backwards and strike a community member’s car. The cruiser continued in reverse onto a service road, over a curb into some shrubbery before hitting another car and coming to rest in a McDonald’s parking lot. The car was now immobile; however, B.L. continued to depress the accelerator and the wheels continued to spin.

FCPD Police Officer First Class #2 (hereinafter “PFC#2”) rushed to the scene, having heard over the police radio PFC#1’s pleas for immediate assistance and that B.L. had gotten control of PFC#1’s gun.⁸ PFC#2 arrived just as PFC#1’s cruiser was heading in reverse toward the McDonald’s. PFC#2 got out of his car and ran toward the McDonald’s and PFC#1’s now-stuck police cruiser. From approximately fifteen yards away—from the sidewalk between the Citgo and McDonald’s—PFC#2 fired eighteen rounds at the cruiser. PFC#1, who remained pinned underneath B.L., frantically yelled to “Cease fire!” several times.

FCPD Master Police Officer #1 (hereinafter “MPO#1”) arrived from the opposite direction (from PFC#2) and saw PFC#2 firing into the police car. He quickly approached the car and saw PFC#1 pinned underneath B.L. He tried to pick B.L. up to get him off PFC#1 but felt what he perceived as B.L. resisting. On his second try, MPO#1 was able to pull B.L. off of PFC#1 and immediately shot him three times at close range.

PFC#1 was then able to get out of his car. Other officers examined him and looked for bullet wounds. He had not been shot because B.L. had been unable to remove PFC#1’s gun from the holster, and no rounds fired by PFC#2 or MPO#1 had struck PFC#1.

B.L. was pronounced deceased at the scene. An autopsy determined that he was struck by multiple bullets to the head and body.

⁷ *Id.*

⁸ B.L. had not, in fact, gotten control of PFC#1’s gun, but that is what was relayed over the police radio.

RELEASE OF INVOLVED OFFICERS' IDENTITIES AND BODY-WORN CAMERA FOOTAGE

FCPD Chief Kevin Davis released the names of PFC#2 and MPO#1 on May 22, 2023.⁹ He also released the body-worn camera (hereinafter "BWC") footage from the incident on May 25, 2023.¹⁰

CRIMINAL INVESTIGATION/ PROSECUTIVE DECISION

The FCPD conducted both a criminal investigation and an administrative investigation into the use of deadly force by PFC#2 and MPO#1 during this incident. The results of the criminal investigation were provided to the Office of the Commonwealth's Attorney for Fairfax County. On November 22, 2024, Fairfax County Commonwealth Attorney (hereinafter "CWA") Steve Descano issued a report on this officer-involved shooting. CWA Descano concluded his report by stating that he found "no violations of criminal law on the part of [PFC#2] and [MPO#1]" and that he would "decline to bring any criminal charge against these officers."¹¹

INTERNAL ADMINISTRATIVE INVESTIGATION

Because this incident involved an officer-involved shooting, the internal administrative investigation was conducted by the FCPD Internal Affairs Bureau (hereinafter "IAB"). Following its internal/administrative investigation into this incident, the FCPD determined that PFC#2's and MPO#1's use of deadly force was objectively reasonable and, therefore, their use of deadly force complied with departmental policy. Specifically, the FCPD concluded that PFC#2 and MPO#1 complied with FCPD General Order (hereinafter "G.O.") 540 VII. I agree with this conclusion and that it was based on an investigation that was complete, thorough, objective, impartial, and accurate.

⁹ [Man in Stolen U-Haul Shot after Attacking Officer | Fairfax County Police Department News](#)

¹⁰ [FCPD Press Conference: Mount Vernon District OIS 5.11.23](#)

¹¹ Fairfax County Commonwealth of Virginia "[REPORT ON MAY 11, 2023, OFFICER INVOLVED SHOOTING](#)," provided to FCPD Chief Kevin Davis on November 22, 2024.

The FCPD also considered whether PFC#1's solo approach of B.L. was a prudent tactic. During his interviews with both criminal and internal investigators,¹² PFC#1 articulated his rationale for how and why he approached B.L. alone. Based on his explanation, the FCPD found that he followed policy. I will address this issue further in the next section of this report.

CONCLUSIONS

I. Legal Compliance

A. Federal Law

In its landmark Graham v. Connor opinion,¹³ the United States Supreme Court analyzed the use of force—including deadly force—by law enforcement officers in this country and recognized that “police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.”¹⁴ Also in that opinion, Chief Justice William Rehnquist and the Court recognized that the Fourth Amendment to the United States Constitution¹⁵ is the standard by which an officer's actions in these situations must be judged. Based on the Fourth Amendment standard, an officer's use of force must be objectively reasonable to be lawful, and the Court has ruled that the use of deadly force¹⁶ is objectively reasonable only when an “officer has probable cause to believe that the suspect poses a significant threat of death or serious injury to the officer or others.”¹⁷ Finally, probable cause is based on the “totality of the circumstances,”¹⁸ known to the officer at the time, and the probable cause [to believe] standard is met when there is a “fair probability”¹⁹ that the belief is accurate.

¹² PFC#1 was interviewed by MCB detectives on May 23, 2023, and by IAB detectives on May 24, 2023.

¹³ 490 U.S. 386 (1989).

¹⁴ *Id.* at 397.

¹⁵ Amendment IV to the U.S. Constitution: The right of the people to be free in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

¹⁶ See GLOSSARY.

¹⁷ Tennessee v. Garner, 471 U.S. 1, at p. 4 (1985).

¹⁸ Illinois v. Gates, 462 U.S. 213 (1983).

¹⁹ *Id.*

The situation under review was extremely tense, uncertain, and rapidly evolving. PFC#2 arrived on the scene just as PFC#1's police cruiser was moving in reverse towards the McDonald's. He then saw the cruiser jump a curb into some shrubbery, hit another car and come to rest with its wheels spinning. Before seeing this, PFC#2 had heard PFC#1 plead for immediate assistance and believed that B.L. had secured control of PFC#1's gun and had already shot and likely killed PFC#1, leaving him in the Citgo parking lot.²⁰ He fired numerous rounds at B.L. in the cruiser because he thought that B.L. was alone and actively trying to escape from the scene.²¹ Based on these circumstances, PFC#2 had an objectively reasonable belief that if B.L. escaped from the scene, he posed a significant threat of death or serious injury to PFC#2, the public at large, and to any other law enforcement officers who encountered him. And while the Supreme Court has recognized that "[t]he use of deadly force to prevent the escape of all felony suspects, whatever the circumstances, is constitutionally unreasonable,"²² it has definitively ruled that "[w]here [an] officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others, it is not constitutionally unreasonable to prevent escape by using deadly force."²³ PFC#2's use of deadly force, therefore, was objectively reasonable and lawful under the Fourth Amendment.

MPO#1 arrived as PFC#2 was firing into the police cruiser in the McDonald's parking lot. Based on what he had heard over the radio, MPO#1 believed B.L. had PFC#1's gun, and had possibly used it to shoot PFC#1, PFC#2, or both of them.²⁴ Without hesitating, MPO#1 approached the car and found PFC#1 underneath B.L. and in grave danger. He tried to pick B.L. up to get him off PFC#1 but felt what he perceived as B.L. resisting. On his second try, he hoisted B.L. off of PFC#1 and shot him three times in rapid succession, explaining that he feared B.L. would either shoot PFC#1 or innocent bystanders, or turn the gun he had already used on PFC#1 and/or PFC#2 on him (MPO#1) if given the opportunity. And, he chose to pull B.L. off of PFC#1 before shooting because he feared shooting him while he was on top of PFC#1 would have resulted in PFC#1 inadvertently getting struck by his rounds. Using deadly force to defend himself and others in this way was lawful because MPO#1 had probable cause to believe that

²⁰ PFC#2 was unaware that PFC#1 was pinned down and prone in the front seat of his cruiser.

²¹ PFC#2 provided a written statement to MCB detectives on May 18, 2023, and was interviewed by IAB detectives on May 24, 2023.

²² *Supra*, note 17 at p. 11.

²³ *Id.*

²⁴ MPO#1 was interviewed by MCB detectives on May 19, 2023, and by IAB detectives on May 22, 2023.

B.L. posed a significant threat of death or serious injury to him. MPO#1 also advised that he did not think verbal warnings—prior to his use of deadly force—were feasible²⁵ because they would have alerted B.L. to MPO#1's approach and allowed him to use the gun against MPO#1.²⁶

B. State Law

Virginia state law provides guidance similar to the federal law to determine whether force—to include deadly force—complies with state law. First, Virginia Code § 19.2-83.3 defines "excessive force" as "any force that is objectively unreasonable given the totality of the circumstances, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight."²⁷ Specific to the use of deadly force, Virginia law provides specific guidance by expressly prohibiting the use of "deadly force against a person unless:

1. The law-enforcement officer reasonably believes that deadly force is immediately necessary to protect the law-enforcement officer or another person, other than the subject of the use of deadly force, from the threat of serious bodily injury or death;
2. If feasible, the law-enforcement officer has provided a warning to the subject of the deadly force that he will use deadly force;
3. The law-enforcement officer's actions are reasonable, given the totality of the circumstances; and
4. All other options have been exhausted or do not reasonably lend themselves to the circumstances."²⁸

State law provides additional guidance to evaluate a law enforcement officer's use of deadly force by dictating that "[i]n determining if a law-enforcement officer's use of deadly force is proper, the following factors shall be considered:

1. The reasonableness of the law-enforcement officer's belief and actions from the perspective of a reasonable law-enforcement officer on the scene at the time of the incident; and

²⁵ As required by Tennessee v. Garner, *supra*, note 17, as well as by FCPD G.O. 540 VII. A.

²⁶ *Supra*, note 24. Although he did not recall giving verbal warnings that he was planning to use deadly force, or other commands, MPO#1 is heard on BWC footage commanding B.L. to "get on the ground."

²⁷ These three factors were articulated in Graham v. Connor, *supra*, note 13, and are often referred to as the Graham factors.

²⁸ Va. Code § 19.2-83.5 A.

2. The totality of the circumstances, including (i) the amount of time available to the law enforcement officer to make a decision; (ii) whether the subject of the use of deadly force (a) possessed or appeared to possess a deadly weapon and (b) refused to comply with the law-enforcement officer's lawful order to surrender an object believed to be a deadly weapon prior to the law-enforcement officer using deadly force; (iii) whether the law enforcement officer engaged in de-escalation measures prior to the use of deadly force, including taking cover, waiting for backup, trying to calm the subject prior to the use of force, or using non-deadly force prior to the use of deadly force; (iv) whether any conduct by the law-enforcement officer prior to the use of deadly force intentionally increased the risk of a confrontation resulting in deadly force being used; and (v) the seriousness of the suspected crime.”²⁹

Based on the law in the Commonwealth—and the specific guidance provided therein—PFC#2’s and MPO#1’s uses of deadly force were legal under state law just as they were legal under federal law. It was reasonable for PFC#2 to believe that deadly force was immediately necessary to prevent B.L. from escaping and inflicting death or serious injury on him, the general public, and other law enforcement officers. He had no opportunity to warn B.L. that he would deploy deadly force and non-deadly force options were not viable.

MPO#1 reasonably believed that he needed to use deadly force to save PFC#1 from further harm (or death) and to prevent himself (MPO#1) from being shot and suffering death or serious injury. He too had no feasible non-deadly force options nor was it feasible for him to give B.L. a warning before resorting to deadly force.

II. Policy Compliance

For many of the same reasons PFC#2’s and MPO#1’s uses of deadly force were objectively reasonable and legal under federal and state law, their uses of deadly force also comported with FCPD policy. The FCPD policy regarding the use of force—up to and including deadly force—mirrors the aforementioned pronouncements provided by the Supreme Court in its Graham and Garner opinions. First, FCPD G.O. 540 on USE OF FORCE states, in part: “The use of all force options by officers shall never be performed in a reckless manner and shall only be used to the extent it is objectively reasonable to defend oneself or another, maintain control over an individual during an investigative or mental health detention, or overcome resistance to a lawful detention or arrest. All officers shall refrain from the unwarranted infliction of pain and/or

²⁹ Va. Code § 19.2-83.5 B.

suffering to another and shall never engage in cruel, degrading, or inhumane treatment of any individual.”³⁰ Next, FCPD G.O. 540 goes on to define “Objectively Reasonable” as follows: A level of force that is appropriate when analyzed from the perspective of a reasonable officer possessing the same information and faced with the same set of circumstances. Objective reasonableness is not analyzed with the benefit of hindsight, but rather accounts for the fact that officers must make rapid and necessary decisions regarding the amount of force to use in tense, uncertain, and rapidly evolving situations.”³¹ Finally, FCPD policy provides that “[t]he use of deadly force is only permissible where an officer reasonably believes, based upon the totality of the circumstances known at the time, that deadly force is immediately necessary in order to protect the officer or another person (other than the subject of the use of deadly force), from the threat of serious bodily injury or death, and that all other options have been exhausted, do not reasonably lend themselves to the circumstances, are not feasible, or have already proven to be ineffective. If feasible, officers shall provide a verbal warning to the subject of deadly force that they will use deadly force.”³²

PFC#2 reasonably believed that B.L.’s escape from the scene—where PFC#2 believed B.L. had just shot and possibly killed PFC#1³³—would present an immediate danger to anyone in the area as well as to any law enforcement officer who encountered him should he get away. FCPD G.O. 540 VII. B. specifically allows for the use of deadly force “to apprehend a fleeing felon where: 1. The officer has probable cause to believe that the individual committed a felony involving violence, **and** 2. All other means to effect an arrest have been exhausted, **and** 3. The felon’s escape poses a significant threat of serious injury or death to the officer or others.” Therefore, PFC#2’s use of deadly force met the departmental policy standards required by the FCPD.

The FCPD also examined whether PFC#2’s decision to fire eighteen shots at a vehicle in a McDonald’s parking lot amounted to deadly force being used in a “reckless manner,” and found his actions to be in compliance with the G.O. PFC#2 explained that he considered the risks of his use of deadly force and the eighteen rounds he fired.³⁴ He noted that there was a

³⁰ FCPD G.O. 540 II.

³¹ FCPD G.O. 540 III. 18.

³² FCPD G.O. 540 VII. A.

³³ *Supra*, notes 20 and 21.

³⁴ *Supra*, note 21.

solid wall directly behind the police cruiser, which would prevent stray bullets from going into the McDonald's. He estimated that the cruiser was only ten to fifteen yards away from him when he fired, a distance from which officers regularly train with their handguns. Also, there was no one between him and the cruiser, and he thought only B.L. was inside the cruiser. PFC#2 was trying to eliminate the danger posed by B.L., and he continued firing because B.L. continued to move and PFC#2 feared he would be able to use the weapon he had secured against McDonald's patrons or against him (PFC#2). He discontinued firing when he believed B.L. no longer posed a danger of death or serious injury to him or to others.

When MPO#1 approached PFC#1's cruiser, he found B.L. on top of PFC#1. Believing that B.L. had PFC#1's gun in his possession, MPO#1 further believed that both he and PFC#1 were in immediate danger of death or serious injury from B.L.³⁵ While an argument can be made that MPO#1's use of deadly force—three quick shots to B.L.'s head—violated FCPD policy by constituting the “cruel, degrading, or inhumane treatment”³⁶ of B.L., MPO#1 articulated two reasons for the manner in which he used deadly force. First, he feared that pulling B.L. off of PFC#1 without immediately shooting him would allow B.L. to fire the gun in his possession and, second, he fired head shots because he feared that bullets fired to B.L.'s body could have inadvertently struck PFC#1, who was pinned underneath B.L.³⁷ Therefore, MPO#1's use of deadly force also complied with FCPD's policy requirements for its use.

As previously noted, neither PFC#2 nor MPO#1 found it feasible to provide a verbal warning nor was there a feasible non-deadly force option available to them when they arrived on the scene of this incident.

Separate from the FCPD's analysis into PFC#2's and MPO#1's uses of deadly force was the analysis into whether PFC#1's decision-making was prudent when he confronted B.L. alone and went “hands on” with him in the Citgo parking lot. In conducting that analysis, the FCPD

³⁵ *Supra*, note 24.

³⁶ *Supra*, note 30.

³⁷ *Supra*, note 24. MPO#1's recollection of where PFC#1 was in relation to B.L. when he fired the three rounds is different from what is seen on BWC footage. The discrepancy is common in critical incidents – see, e.g., “*Managing Officer-Involved Critical Incidents – Guidelines to Achieving Consistency, Transparency, and Fairness*,” Police Executive Research Forum, 2025, pp. 64-67; Urey W. Patrick and John C. Hall, *In Defense of Self and Others—Issues, Facts, and Fallacies: The Realities of Law Enforcement's Use of Deadly Force*, Carolina Academic Press, 2005, Chapter 6; and [The Case for Delaying Video Review in Officer-Involved Critical Incident Investigations - Critical Incident Review](#).

took into account PFC#1's explanation that he first considered conducting a felony traffic stop with other officers, but that B.L. got out of the truck before that was possible; that PFC#1 chose not to unholster his weapon when he approached B.L. alone because there were several community members in the gas station and parking lot; and, that PFC#1 stated that he was only detaining (not arresting) B.L. when he first approached him, thinking this would "lower the temperature" of the situation.³⁸ Based on the reasons he provided, the FCPD did not fault PFC#1 for his decision to approach B.L. and found that he did not violate any departmental policies when he initially approached B.L.

I agree with the FCPD's analyses and conclusions following its internal investigation into the actions of its officers during this incident.

RECOMMENDATIONS

FCPD policies thoroughly address the use of both deadly and "less-lethal" force, align with constitutional standards, and provide FCPD officers extensive guidance on resolving incidents with the concept that the sanctity of life is always paramount.³⁹ In this incident, an officer's decision to conduct an investigative detention—to investigate the circumstances of a rental vehicle being reported as stolen—turned into a deadly struggle in a matter of seconds. Unfortunately, the struggle ended only after PFC#2 and MPO#1 used deadly force to eliminate the danger of death or serious injury B.L. posed, and that force resulted in B.L.'s death.

The ensuing FCPD investigations determined that PFC#1, PFC#2, and MPO#1 acted lawfully and in compliance with departmental policy during this incident. I agree with FCPD's conclusions, and I have no recommendations to make based on my review of the incident and the subsequent investigations into the officers' actions during the incident.

³⁸ This is considered a de-escalation technique, with "de-escalation" defined in FCPD G.O. 540 III. 4. as "[t]he combination of communication, tact, empathy, instinct, and sound officer tactics with the objective of achieving a positive outcome; ideally by reducing the need for force."

³⁹ FCPD G.O. 540 II. states that "[i]t is the policy of the Department that all members hold the *highest regard for the sanctity of human life* and respect the dignity and liberties of all individuals." (*emphasis added*).

APPENDIX: GLOSSARY OF TERMS

FCPD – Fairfax County Police Department

FCSO – Fairfax County Sheriff's Office

G.O. – General Order

SOP – Standard Operating Procedure

UOF – Use of Force

BWC – Body-worn Camera

ICV – In-Car Video

ADC – Adult Detention Center

CWA – Commonwealth's Attorney

Fourth Amendment to the United States Constitution – The right of the people to be free in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Force – Defined in Fairfax County Police Department General Order 540.III.10. as any physical strike or instrumental contact with an individual, or any significant physical contact that restricts a person's movement. Reportable uses of force do not include escorting or handcuffing an individual who is exhibiting minimal or no resistance. Merely placing an individual in handcuffs as a restraint in arrest or transport activities, simple presence of officers or patrol dogs, or police issuance of tactical commands does not constitute reportable uses of force.

Less-Lethal Force – Defined in Fairfax County Police Department General Order 540.III.13. as any level of force not designed to cause death or serious injury.

Deadly Force – Defined in Fairfax County Police Department General Order 540.III.2. as any level of force that is likely or intended to cause death or serious injury.

Serious Injury – Defined in Fairfax County Police Department General Order 540.III.26. as any injury which creates a substantial risk of death, prolonged hospitalization, impairment of the functions of any bodily organ or limb, or any injury that medical personnel deem to be potentially life-threatening.

ECW – Electronic Control Weapon; Defined in Fairfax County Police Department General Order 540.III.5. as a device which disrupts the sensory and motor nervous system of an individual by deploying battery-powered electrical energy sufficient to cause sensory and neuromuscular incapacitation. Considered less-lethal force. Often referred to as a Taser.

Empty-Hand Tactics – Described in Fairfax County Police Department General Order 540.VI.A. as including strikes, kicks, pressure points, and takedowns in an objectively reasonable manner to overcome resistance. Considered less-lethal force.

OC Spray – Oleoresin Capsicum; Defined in Fairfax County Police Department General Order 540.III.19. as a less-lethal force instrument that contains a projectile lachrymatory agent spray designed to irritate an individual's eyes and temporarily take away their vision in order to effectuate lawful control. Often referred to as "pepper spray."

PepperBall System – Defined in Fairfax County Police Department General Order 540.III.21. as a high-pressure air launcher that delivers projectiles from a distance. Typically, the projectile contains PAVA powder which has similar characteristics to Oleoresin Capsicum. Considered less-lethal force.

Passive Resistance – Defined in Fairfax County Police Department General Order 540.III.25. as where an individual poses no immediate threat to an officer and exhibits no resistive movements but is not complying with lawful orders and is taking minimal physical action to prevent an officer from taking lawful action.

Active Resistance – Defined in Fairfax County Police Department General Order 540.III.25. as where an individual's verbal and/or physical actions are intended to prevent an officer from taking lawful action but not intended to harm the officer.

Aggressive Resistance – Defined in Fairfax County Police Department General Order 540.III.25. as where an individual displays the intent to cause injury, serious injury, or death to an officer, themselves, or another person and to prevent the officer from taking lawful action.